

# EXPLANATORY STATEMENT

## *Environment Protection and Biodiversity Conservation Act 1999*

Amendment of the List of Exempt Native Specimens in accordance with Section 303DC

Section 303DB of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for the establishment of a list of exempt native specimens. Specimens included in the list are exempt from the trade control provisions that apply to regulated native specimens.

The instrument **deletes** specimens from the list of exempt native specimens that are taken in twenty fisheries managed by the Western Australian Department of Fisheries. The instrument also **includes** specimens from the same twenty fisheries in the list of exempt native specimens, with notations that inclusion of the specimens in the list are subject to restrictions or conditions that the specimen, or the fish or invertebrate from which it is derived, was taken lawfully, and that the specimens are included in the list until 30 May 2025.

The relevant Western Australian managed fisheries are as follows:

- Abalone Managed Fishery
- Albrolos Island and Mid West Trawl Managed Fishery
- Broome Prawn Managed Fishery
- Cocos (Keeling) Islands Marine Aquarium Fishery
- Exmouth Gulf Managed Prawn Fishery
- Gascoyne Demersal Scalefish Managed Fishery
- Kimberly Prawn Managed Fishery
- Mackerel Fishery
- Nickol Bay Prawn Managed Fishery
- Northern Demersal Scalefish Managed Fishery
- Onslow Prawn Managed Fishery
- Pearl Oyster Fishery
- South Coast Managed Salmon Fishery
- South-West Coast Managed Salmon Fishery
- Shark Bay Crab Interim Managed Fishery
- Shark Bay Prawn Managed Fishery
- Shark Bay Scallop Managed Fishery
- Specimen Shell Managed Fishery
- Trochus Fishery
- West Coast Deep Sea Crustacean Managed Fishery

The effect of this instrument is to simplify the description of the specimens in the list of exempt native specimens, and to extend the export approval for the specimens until 30 May 2025. These fisheries have been identified by the Department of the Environment as low risk fisheries suitable for extension of export approval for ten years.

In determining to include the specimens in the list of exempt native specimens regard was had to the Australian Government's 'Guidelines for the Ecologically Sustainable Management of Fisheries – 2<sup>nd</sup> Edition.' Those Guidelines establish the criteria for assessment of the ecological sustainability of the relevant fishery's management arrangements.

Subsection 303DC(3) of the EPBC Act provides that before amending the list, the Minister for the Environment must consult such other Commonwealth minister or ministers and such other minister or ministers of each state and self-governing territory, as the minister considers appropriate. The minister may also consult with such other persons and organisations as the

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minister considers appropriate. In this instance, the Delegate of the Minister for the Environment consulted with the Western Australian Department of Fisheries as the Western Australian Department of Fisheries has management responsibilities for the fisheries concerned. Additionally, consultation on the proposal to extend export approval to ten years for low risk fisheries was carried out, including formal correspondence with all Commonwealth, state and territory fisheries ministers, and with Commonwealth, state and territory fisheries management agencies. Conservation organisations and peak fishing industry associations were also briefed on the proposed reform, and were invited to comment via a public submission process, along with the general public.

This instrument is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*.

The instrument commenced on the day after it was registered on the Federal Register of Legislative Instruments.

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**STATEMENT OF COMPATIBILITY FOR A BILL OR LEGISLATIVE  
INSTRUMENT THAT DOES NOT RAISE ANY HUMAN RIGHTS ISSUES**

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**Amendment of List of Exempt Native Specimens**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the Legislative Instrument**

The instrument **deletes** specimens from the list of exempt native specimens that are taken in twenty fisheries managed by the Western Australian Department of Fisheries, and **includes** specimens from the same fisheries in the list of exempt native specimens, with notations that inclusion of the specimens in the list are subject to restrictions or conditions that the specimen, or the fish or invertebrate from which it is derived, was taken lawfully, and that the specimens are included in the list until 30 May 2025.

The effect of this instrument is to simplify the description of the specimens in the list of exempt native specimens, and to extend the export approval for the specimens until 30 May 2025.

**Human rights implications**

This Legislative Instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**Paul Murphy, Assistant Secretary, Wildlife Trade and Biosecurity Branch (Delegate of the Minister for the Environment)**